

REMARKS

The application has been amended and is believed to be in condition for allowance.

Amendments to the Disclosure

Claims 42-67 are canceled without prejudice.

New claims 68-85 are introduced to claim the invention. The new claims find support in the claims as originally filed as well as the specification and the drawing figures (e.g., pages 13-15; Figures 1-4) and therefore are not believed to introduce new matter.

Formal Matters - Section 112, second paragraph

The Official Action rejected claims 42-67 as being indefinite under 35 USC 112, second paragraph.

In response, claims 42-67 are canceled, as indicated above. Accordingly, the rejections of claims 42-67 under Section 112 are believed to have been rendered moot.

It is further respectfully submitted that the new claims 68-85 are believed to be definite in view of Section 112.

Withdrawal of the rejections under 35 USC 112, second paragraph is thereby respectfully requested.

Substantive Issues - Section 102

The Official Action rejected claims 42-67 under 35 USC 102(b) as being anticipated by Orphall (U.S. Pat. 4,826,090; "ORPHALL").

The Official Action also rejected claims 42-67 under 35 USC 102(e) as being anticipated by either Pizzuto (U.S. Pub. 2005/0001084; "PIZZUTO") or Roozeboom et al (U.S. Pub. 2005/0035234; "ROOZEBOOM") or Diemunsch (U.S. Pat. 7,100,855; "DIEMUNSCH").

In response, claims 42-67 are canceled, as indicated above. Accordingly, the rejections of claims 42-67 under Section 102 are believed to have been rendered moot.

Withdrawal of the rejections under 35 USC 102 is thereby respectfully requested.

It is further respectfully submitted that the new claims 68-85 distinguish over the references applied by the Official Action at least for the following reasons.

ORPHALL fails at least to teach a longitudinal aperture for a connecting element. On the contrary, ORPHALL's Figure 1 clearly teaches the aperture 30 for a connecting element 26 running transversely (i.e. perpendicular to the longitudinal) to the tooth 2 and the body portion 4.

Further, ORPHALL fails to teach a substantially constant cross-sectional shape in a direction along a longitudinal axis.

Further, it is apparent from Figure 2 that the base of the body portion 4 of ORPHALL (see the face closest to reference number 24) is not tapered within a plane angled with respect to a longitudinal axis.

Further, ORPHALL fails to teach a removed portion extending inwardly from a side of the tip body portion and extending longitudinally upward towards said tooth element from a point partway along a length of said tip body portion, and having at least two sides tapering outwardly relative to the longitudinal axis in a longitudinal direction towards said tooth element.

On the contrary, ORPHALL teaches no longitudinal aperture connecting the removed portion at 18 to the base (adjacent reference number 24). The aperture 12 of ORPHALL also fails to teach two sides tapering outwardly relative to the longitudinal axis in a longitudinal direction towards said tooth element rather than away from it.

The aperture 12 in ORPHALL is intended to secure the tooth element to the body portion 4, and is not a connection element for connecting the tip portion to another element 20; this function is achieved by aperture 30, this being a further reason why aperture 12 does not anticipate a longitudinal aperture as recited by claim 68.

Accordingly, it is respectfully submitted that ORPHALL does not anticipate the invention recited by claim 68.

PIZZUTO fails at least to teach a longitudinal aperture, as recited by claim 68, extending from the tapered bottom face of the tip body portion to a removed position of the tip body portion. On the contrary, PIZZUTO discloses a recess 56

that fails to extend through to any other face of the body portion (see Figure 7).

Further, PIZZUTO is intended to be attached in a significantly different manner to the present invention - in the present invention the body portion is slid into an aperture, while PIZZUTO is bolted to the side of another element. Accordingly, there are significantly different design considerations such that PIZZUTO fails to anticipate the features recited in claim 68.

Further, PIZZUTO's device is bolted to the side of another element, and does not teach or suggest the longitudinal arrangement recited by claim 68.

Accordingly, it is respectfully submitted that PIZZUTO does not anticipate the invention recited by claim 68.

The tooth portion 25 disclosed in Figure 1 of ROOZEBOOM contrasts sharply with the tooth element disclosed in claim 68.

Further, assuming a longitudinal axis running in the same direction as the bolt 28, ROOZEBOOM fails to teach a longitudinal aperture for a connection element extending from the tapered bottom face of the tip body portion to a removed portion of the tip body portion; instead, the aperture for bolt 28 in ROOZEBOOM exits through the tooth 25.

Further, if apertures 32 and 34 from the side of ROOZEBOOM's body 22 are to be considered removed portions, then

they fail to disclose two tapered side portions, and do not connect to a longitudinal aperture.

Further, the cross-sectional shape of ROOZEBOOM's body portion 22 is not substantially constant in a direction from the end and the tooth portion.

It is respectfully submitted that these differences are not surprising in that ROOZEBOOM's tooth and body combination are not intended to be fastened to a base element longitudinally, but rather by elements which pass from the side through apertures 32, and 34. Further, ROOZEBOOM appears to teach a tip portion at element 25 alone and without a tip body portion as recited by claim 68. The body portion disclosed in element 22 is more akin to a separate base element than to a tip body portion as claimed.

Further, even if Figure 5, elements 92 and 78 of ROOZEBOOM are considered, the features recited in claim 68 are not all satisfied.

Accordingly, it is respectfully submitted that ROOZEBOOM does not anticipate the invention recited by claim 68.

In DIEMUNSCH, the tip portion comprises elements 95 and 77. Hence, the reference fails to anticipate a tip body portion with a longitudinal aperture extending from the tapered bottom face of the tip body portion to a removed portion of the tip body portion configured for a connection element for connection longitudinally to another element. On the contrary, the connection apertures of DIEMUNSCH appear in body portion 77 and

travel transversely. Therefore, DIEMUNSCH fails to teach the longitudinal aperture of claim 68.

Further, DIEMUNSCH fails to teach a removed portion extending inwardly from a side of the tip body portion and extending longitudinally upward towards said tooth element from a point partway along a length of said tip body portion.

Further, DIEMUNSCH fails to teach a removed portion having at least two sides tapering outwardly, relative to the longitudinal axis, in a longitudinal direction towards said tooth element.

Further, DIEMUNSCH fails to teach a bottom face of the tip body portion, distal to the one end of said tip body portion with the tooth element attached, being tapered in a plane angled to the longitudinal axis.

Accordingly, it is respectfully submitted that DIEMUNSCH does not anticipate the invention recited by claim 68.

Based at least on the reasons set forth above, it is respectfully submitted that none of the applied references ORPHALL, PIZZUTO, ROOZEBOOM, or DIEMUNSCH anticipates all the features recited in independent claim 68.

It is therefore respectfully submitted that claim 68 is patentable over the applied references.

It is further respectfully submitted that claims depending from claim 68 are patentable at least for depending from a patentable parent claim.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicant has fully responded to the April 19, 2010 Official Action and that the claims as presented are patentable. In view of this, Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicant at the number provided below if the Examiner is of the opinion that further discussion of this case would be helpful in advancing prosecution.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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